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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/948,756 10/10/97 ELLIS

M UV-38

LM01/0628

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EXAMINER

COULTER, K

ART UNIT

PAPER NUMBER

2758

DATE MAILED:

06/28/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/948,756**

Applicant(s)  
**Ellis et al.**

Examiner  
**Kenneth Coulter**

Group Art Unit  
**2758**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. In response to Applicant's Request for Corrected Filing Receipt, the Examiner notes that Donald Rasson is now listed as one of the inventors of the present Application.

### *Claim Rejections - 35 USC § 103*

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roop et al. (U.S. Patent # 5,619,274) (Television Schedule Information Transmission and Utilization System

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and Process) in view of Pinder et al. (U.S. Patent # 5,742,677) (Information Terminal Having Reconfigurable Memory) and Aristides et al. (U.S. Patent # 5,630,119) (System and Method for Displaying Program Listings in an Interactive Electronic Program Guide).

3.1 Regarding claim 1, Roop et al. (hereafter referred to as Roop) discloses a system for distributing program guide data from a main facility through local systems to a plurality of receivers, comprising:

means for forming a plurality of memories for the program guide data (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53);

means for selectively changing the configuration of the memory (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53); and

means for distributing the program guide data from the memory to the receivers using the local systems (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

However, Roop does not explicitly disclose that the memory is comprised of queues. Roop does teach PSRAM and "dynamic allocation and recovery of data blocks". Aristides et al. (hereafter referred to as Aristides) discloses a record cache in a RAM at a user interface unit (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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implement queues in the RAM of Roop because it is commonplace to have a record cache or record queue in the RAM of a set top box, as seen in Roop.

3.2 As per claim 2, Roop teaches that the means for selectively changing the configuration of the queues further comprises means for selectively changing the configuration of the queues based on the type of data records associated with the queues (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.3 Regarding claim 3, Roop discloses that the queues contain lists of data records, the means for selectively changing the configuration of the queues further comprising means for selectively changing the configuration of the queues based on the duration covered by the lists that are contained within the queues (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.4 As per claims 4 and 5, Roop teaches changing the configuration of the queues based on how frequently the program guide data for the queues is distributed to the receivers and updated (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

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3.5 Regarding claims 6 and 7, Roop discloses changing the configuration of the queues based on when the lists start and when the lists expire (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.6 As per claim 8, Roop teaches changing the configuration of the queues based on how frequently the program guide data for the queues is transmitted after the program guide data has expired (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.7 Regarding claim 9, Roop discloses changing the configuration of the queues based on queue configuration data provided at the main facility (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.8 As per claim 10, Roop teaches that the means for forming the queues further comprises means for forming a service information queue (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.9 Regarding claim 11, Roop discloses that the means for forming the queues further comprises means for forming a current listings queue (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

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3.10 As per claim 12, Roop teaches that the means for forming the queues further comprises means for forming a seven-day listings queue (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.11 Regarding claim 13, Roop discloses that the program guide data for each queue is contained in data records, the means for forming the queues further comprises means for adding version numbers to the data records (Abstract; Fig. 26; Fig. 32; col. 8, lines 45 - 60; col. 13, lines 44 - 57; col. 56, lines 32 - 53).

3.12 As per claims 14 - 30, the previous rejection of claims 1 - 13 (paragraphs 3.1 - 3.11) apply fully.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Coulter whose telephone number is (703) 305-8447.

**KENNETH COULTER**  
**PATENT EXAMINER**



krc

June 21, 1999